

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN DOE,

Plaintiff,

-against-

JANE DOE,

Defendant.

19-CV-09838 (NSR)

ORDER TO SHOW CAUSE

NELSON S. ROMÁN, United States District Judge:

Plaintiff John Doe¹ (“Plaintiff”) filed the present defamation suit on October 24, 2019, alleging that Defendant Jane Doe (“Defendant”) made repeated and willful false statements of fact and false accusations against Plaintiff. (See ECF No. 1.) On October 31, 2019, this case was accepted as related to another case, *Doe v. Vassar College*, 19-cv-09601-NSR (S.D.N.Y.). Also on October 31, 2019, an electronic summons was issued as to Jane Doe. (See ECF No. 6.) Since that date, there has been no further activity in this case, nor has Plaintiff indicated he has served Defendant or corresponded with the Court regarding this case in any way.²

Under Federal Rules of Civil Procedure Rule 4(m), plaintiffs have ninety days to serve the defendants after they file their complaints. Here, more than ninety days have passed since the filing of the Complaint on October 24, 2019, and Plaintiff has failed to file proof of service on Defendant. Plaintiff has not requested any extensions of time to serve Defendant and has not

¹ Plaintiff’s Motion to Proceed Under Pseudonym (ECF No. 5) is pending and not yet fully briefed, given that Defendant has not yet appeared in this action.

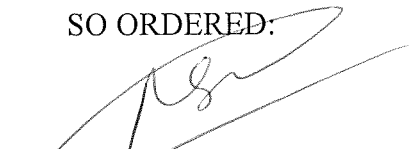
² The related case, 19-cv-9601, was withdrawn on December 6, 2019 pursuant to a stipulation of voluntary discontinuance. (See *Doe v. Vassar*, ECF No. 21.)

provided any explanation to the Court as to why Defendant has yet to be served more than four months after the start of this action.

Accordingly, it is hereby ORDERED that Plaintiff show cause in writing on or before March 31, 2020 why the claims against the unserved Defendant should not be dismissed without prejudice for want of prosecution pursuant to Fed R. Civ. P. 41(b). Failure to comply with this Court's present order will result in dismissal of this action for want of prosecution.

Dated: March 2, 2020
White Plains, New York

SO ORDERED:



NELSON S. ROMÁN
United States District Judge